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10 Attorney for Plaintiff, Christian
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12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE DISTRICT OF ARIZONA
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17 IN RE: BARD IVC FILTERS

18 PRODUCTS LIABILITY LITIGATION

Case No: 2:15-MD-02641-DGC

19
20 This Document Relates to Plaintiff(s)

Civil Case No: 2:16-cv-02220-DGC

21
22 CHRISTIAN LEIGH GATES

**AMENDED SECOND AMENDED
MASTER SHORT FORM
COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
FOR JURY TRIAL**

23
24 Plaintiff(s) named below, for their Complaint against Defendants named below,
25 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

26 Plaintiff(s) further show the Court as follows:

27 1. Plaintiff/Deceased Party:

28 CHRISTIAN LEIGH GATES

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Florida

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☒ **G2[®] Vena Cava Filter**

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☒ ~~Eclipse[®] Vena Cava Filter~~

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

06/07/2010

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure

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to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Florida Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts
supporting this Count in the space immediately below)

1 13. Jury Trial demanded for all issues so triable?

2 **X** Yes

3 ☐ No

4
5 RESPECTFULLY SUBMITTED this 11th ~~7th~~ day of October ~~July~~, 2017.

6 BABBITT & JOHNSON, P.A.

7
8 By: /s/ Joseph R. Johnson

9 Joseph R. Johnson

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